

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SUSAN JOHNSON,

Plaintiff,

v.

Case No. 20-10210
Honorable Linda V. Parker

UNITED AIRLINES, INC.,

Defendant.

/

**OPINION & ORDER (1) ADOPTING MAGISTRATE JUDGE'S REPORT
AND RECOMMENDATION [ECF NO. 21] AND (2) GRANTING
DEFENDANT'S MOTION TO DISMISS PLAINTIFF'S FIRST AMENDED
COMPLAINT [ECF NO. 15]**

Plaintiff Susan Johnson filed this *pro se* action against Defendant United Airlines, Inc., alleging that Defendant breached a collective bargaining agreement (“CBA”) and terminated Plaintiff based on her age and race. (*See* ECF No. 6.) Defendant subsequently moved to dismiss Plaintiff’s First Amended Complaint. (ECF No. 15.) The Court referred the matter to Magistrate Judge Elizabeth A. Stafford for all pretrial proceedings, including a hearing and determination of all non-dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(A) and/or a report and recommendation (“R&R”) on all dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(B). (ECF No. 17.)

On February 8, 2021, Magistrate Judge Stafford issued an R&R, recommending that the Court grant Defendant's Motion to Dismiss. (ECF No. 21.) In the R&R, Magistrate Judge Stafford concludes that Plaintiff's race and age discrimination claims should be dismissed because Plaintiff failed to timely file an Equal Employment Opportunity Commission charge. (*Id.* at Pg. ID 153-55.) Magistrate Judge Stafford further concludes that the claims related to the CBA are preempted by the Railway Labor Act (*id.* at Pg. ID 155-58) and, even if the discrimination claims are not preempted, they should be dismissed for failure to state a claim (*id.* at Pg. ID 158-60).

At the conclusion of the R&R, Magistrate Judge Stafford informed the parties that they must file any objections to the R&R within 14 days. (*Id.* at Pg. ID 161.) She further advised that, “[i]f a party fails to timely file specific objections, any further appeal is waived.” (*Id.* (citing *Howard v. Secretary of HHS*, 932 F.2d 505 (6th Cir. 1991).) No party objected and the time to do so has expired.

The Court reviewed the February 8, 2021 R&R and concurs with the conclusions reached by Magistrate Judge Stafford. The Court therefore (i) adopts the R&R (ECF No. 21) and (ii) grants Defendant's Motion to Dismiss Plaintiff's

First Amended Complaint (ECF No. 15).

IT IS SO ORDERED.

s/ Linda V. Parker
LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: March 23, 2021

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, March 23, 2021, by electronic and/or U.S. First Class mail.

s/ R. Loury
Case Manager